

# United States Department of the Interior Bureau of Land Management

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**Categorical Exclusion Not Established By Statute**

**DOI-BLM-UT-Y010-2016-0198-CX**

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**June 2016**

## **Assignment of Rights-of-Way UTU-67385 & 90108**

***Applicant/Address: Wesco Operating, Inc.  
P.O. Box 2850  
Casper Wyoming 82602***

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Bureau of Land Management  
Moab Field Office  
82 East Dogwood  
Moab, Utah 84532  
435-259-2100  
435-259-2158



## **CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

### **A. Background**

BLM Office: Moab Field Office

Serial Numbers: UTU-67385 & 90108

Proposed Action Title/Type:

Assignment of 2 Rights-of-Way

Location of Proposed Action:

Moab Field Office

Description of Proposed Action: On May 16, 2016, Cassy Hague, on behalf of Wesco Operating, Inc., filed an application for assignment of 2 rights-of-way (UTU-67385 & 90108) in the Moab Field Office area of jurisdiction, from Fidelity Exploration & Production Company to Wesco Operating, Inc.

Wesco Operating, Inc., as owner of the facilities previously held by Fidelity Exploration & Production Company should be the holder of the 2 rights-of-way (UTU-67385 & 90108) that authorize natural gas pipelines/facilities and an access road.

### **B. Land Use Plan Conformance**

Land Use Plan Name: Moab Field Office RMP, Approved October 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Page 65 of the Moab Field Office RMP reads as follows: "Meet public needs for use authorizations such as rights-of-way, alternative energy sources, and permits while minimizing adverse impacts to resource values."

### **C. Compliance with NEPA**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.5, E(9) which states..."Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization." This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

**D: Signature**Authorizing Official: Becky Doolittle, acting Date: 6/21/2016**Contact Person**

For additional information concerning this CX review, contact

Judie Chrobak-Cox  
Moab Field Office  
82 E. Dogwood  
Moab, Utah 84532  
435-259-2100

The following BLM Specialists have reviewed the proposed action and have determined that none of the 12 exceptions below apply to this project:

Name	Title	Critical Element(s)
Becky Doolittle	Acting FM	Air Quality, Wetlands/Riparian Zones
Bill Stevens	Recreation Planner	Wilderness, Environmental Justice
Jordan Davis	Rangeland Mgt. Spec.	Invasive Species/Noxious Weeds
Dave Williams	Rangeland Mgt. Spec.	Threatened, Endangered, or Candidate Plant Species
Pam Riddle	Wildlife Biologist	Threatened, Endangered, or Candidate Animal Species, Migratory Birds
Katie Stevens	Recreation Planner	Areas of Critical Environmental Concern, Wild & Scenic Rivers
Don Montoya	Archaeologist	Cultural Resources, Native American Religious Concerns
David Pals	Geologist	Wastes (hazardous or solid), Water Quality, Floodplains
Judie Chrobak-Cox	Visitor Services Lead	Lead Preparer

Lead Preparer: J. Chrobak-Cox Date: 6-21-16

## Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale Assigning right-of-way grants would be a paperwork exercise that would have no adverse effects on public health or safety.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No X	Rationale: The rights-of-way assignment would not have significant impacts on natural resources and unique geographic character.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: The proposed assignments would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: The proposed assignment of the rights-of-way would not result in uncertain or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: The proposed assignments would not set a precedent for future action with potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: This action would not result in cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No X	Rationale: The nature of the proposed action is such that no impact can be expected on significant cultural resources.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat		

Extraordinary Circumstances		
for these species.		
<b>Yes</b>	No X	Rationale: Assigning the rights-of-way would not have impacts of this kind.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
<b>Yes</b>	No X	Rationale: No Federal, state, local or tribal laws would be broken.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
<b>Yes</b>	No X	Rationale: The proposed assignment of right-of-way grants would not have an adverse effect on low income or minority populations.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
<b>Yes</b>	No X	Rationale: The proposed assignments would not adversely affect sacred sites.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
<b>Yes</b>	No X	Rationale: The assignment of existing right-of-way grants should not result in introduction or spread of noxious weeds.

Attachment:  
Categorical Exclusion Review Record

**Categorical Exclusion Review Record  
Assignment of ROWs UTU-67385 & 90108**

**From Fidelity Exploration & Production Company To Wesco Operating Inc.**

The following elements are not present in the Moab Field Office and have been removed from the checklist:  
Farmlands (Prime or Unique), Wild Horses and Burros.

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	<i>B. Quastelle</i>	6/21/16
Floodplains	No	<i>DR</i>	6/15/16
Water Quality (drinking or ground)	No	<i>DR</i>	6/15/16
Wetlands / Riparian Zones	No	<i>B. Quastelle</i>	6/21/16
Areas of Critical Environmental Concern	No	<i>K. Stevens</i>	6/21/16
Wild and Scenic Rivers	No	<i>K. Stevens</i>	6/21/16
Wilderness	No	<i>K. Stevens</i>	6/21/16
Native American Religious Concerns	No	<i>D. Mantey</i>	6/15/16
Cultural Resources	No	<i>D. Mantey</i>	6/15/16
Environmental Justice	No	<i>K. Stevens</i>	6/21/16
Wastes (hazardous or solid)	No	<i>DR</i>	6/15/16
Threatened, Endangered, or Candidate Animal Species	No	<i>DR</i>	6/15/16
Migratory Birds	No	<i>DR</i>	6/15/16
Threatened, Endangered, or Candidate Plant Species	No	<i>D. Williams</i>	6/15/16
Invasive Species/Noxious Weeds	No	<i>John Davis</i>	6/15/16
Other:	No		

\*Extraordinary Circumstances apply.

Environmental Coordinator *KC Stevens* Date: *6/21/16*

## Approval and Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the Moab Field Office RMP, approved October 2008, and that no further environmental analysis is required.

It is my decision to assign rights-of-way UTU-67385 & 90108 from Fidelity Exploration & Production Company to Wesco Operating, Inc. pursuant to the authority of Title V (Section 302(b) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2762; 43 U. S. C. 1732) and Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

### Rationale:

The decision to allow the proposed action does not result in any undue and unnecessary environmental degradation.

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at 82 East Dogwood, Moab, Utah. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer. If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Becky Doolittle, Acting Field Manager:



Date: 6/21/2016